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REICHLER EXAMINER

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ART UNIT PAPER NUMBER  
3306

10/28/92

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 8-13-92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-26 are pending in the application.  
Of the above, claims — are withdrawn from consideration.
2. ☐ Claims — have been cancelled.
3. ☐ Claims — are allowed.
4. ☒ Claims 1-26 are rejected.
5. ☐ Claims — are objected to.
6. ☐ Claims — are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on —. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on — has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on —, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. —; filed on —.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 3308

1. The prior art cited on July 2, 1992 has been noted but not considered as no clean copy of the PTO-1449 was submitted, i.e. the PTO-1449 filed 7-2-93 was crossed thru, in compliance with rule 98 effective March 16, 1992.

2. The drawings are objected to because the line III-III should be denoted in Figure 9. Correction is required.

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on July 2, 1992, have been approved.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claim 13 must be shown or the feature cancelled from the claim. No new matter should be entered.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention and the specification as originally filed does not provide support for the invention as is now

claimed 1) In claim 2 and on page 1, lines 36-37, Applicant recites the weight being 2.4g without the recovery tape. However it is unclear what "the recovery tape" is?

2) The sentence bridging pages 1-2 is unclear.

3) In claim 4, Applicant now claims a absorption capacity of about 8.0 ml and a specific absorption capacity of about 3.4ml/g.

However, the specification, as originally filed, does not support "about", see page 2, lines 5-6, and page 5.

4) The various subsections of the specification, i.e. background of the invention, etc. should preferably be preceded by subtitles.

5) The description of Figure 3 appears to be inaccurate, i.e. it is a cross section along Figure 9.

6) On page 4, line 12, "8" should be --9--.

7) On page 8, lines 5-9, it should be made clear that the press dies of the second group are sliding plates 24.

8) Page 8. lines 32 et seq. and page 8a, lines 1-2 are unclear.

9) The description of the invention is not commensurate in scope with claim 16.

10) Figs. 1 and 2 showing the tampon and Figure 4 showing an enlarged section of the tampon are inconsistent, i.e. Figure 2 still shows the tampon as having outwardly open grooves whereas Fig. 4 does not. Furthermore, in the claims and on 2, lines 36 et

seq. page 4, lines 21-27 and page 10, lines 11-14, Applicant describes a essentially smoothly cylindrical surface. Neither Figs. 1, 2, or 4 show an essentially smoothly cylindrical surface, i.e. the surface is bumpy. Therefore, the configuration of the finished tampon is unclear.

4. Claims 1-20 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-19 are replete with improper claim syntax. For example, in regard to claim 1, lines 3, the description of the winding is unclear, i.e. is a portion wound and a portion not? Lines 4-9 are unclear. For example, lines 3-8 could be rewritten as--sloped by winding up a length of tape-shaped non-woven material, wherein a circumferential surface of the blank is pressed radially relative to a longitudinal mid-axis of the blank over an even number of mutually adjacent portions in the circumferential surface of the blank, said even number being at least six,--. Lines 9-24 are unclear, i.e. what is the structure of the tampon? Note that the invention is a tampon, see line 6. The language on lines 28 et seq is unclear, i.e. what

"coarser....tampon"? What does "maintained" mean? "Maintained" during use? In regard to claim 6, the rejection of claim 1, lines 1-8 also apply here to lines 1-8. Lines 9-11 appear to be inconsistent with lines 4-8, i.e. what is pressed and how? Lines 2-3 and 3-4 are inconsistent, i.e. shaping a blank by forming a blank? Are lines 18-22, i.e. "whereby", a method step? Again the last lines are unclear. In regard to claim 9, line 4, how many press dies are there? At least six press dies? At least twelve press dies? Lines 7-8 appear to be inaccurate, i.e., the press segments have side flanks in both open and closed positions but in the closed position form guide surfaces for a second group of press dies, the second group of press dies are designed as sliding plates. Is the closed state, line 10, and the closed position, line 7, one and the same? On line 11, which press dies? First? Second? Both? The description of the apparatus and press dies is insufficient to support the language of line 1 and lines 12-14, i.e. where is the tampon in the apparatus? Lines 14-21 are unclear, i.e. doesn't make sense. On line 22, what does the terminology "calculated" mean? It should be noted that examples do not include all the informalities in claims 1-19, the claims should be carefully reviewed and revised as necessary.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

Art Unit 3308

- A person shall be entitled to a patent unless --
7. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
  8. Claim 20 is rejected under 35 U.S.C. § 102(b) as being anticipated by Hirschman.  
  
See Fig. 2, col. 2, lines 55-57, col. 3, lines 14-15, 40-49, and 68, col. 4, line 1.
  9. The invention as best understood and which appears to be claimed in claims 1-19 appears to define over the art and if amended to overcome the informalities would be allowable.
  10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  11. Applicants arguments are been carefully considered but are deemed non-persuasive in light of the new rejections set forth supra.
  12. Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617.

KARIN REICHLE  
PATENT EXAMINER  
ART UNIT 338

*K.M. Reichle*

*m*  
Reichle/oc  
October 19, 1992  
October 22, 1992